

FILED 22 JUL '22 11:12 USDC-ORP

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland DIVISION

Daniel Applegate
(Enter full name of plaintiff)

Plaintiff,

v.

Civil Case No. 3:22-cv-01075-MC
(to be assigned by Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)

Deputy Mehmedo
Angelina Platas, M.D.
Sgt. Taylor
(Enter full name of ALL defendant(s))

Jury Trial Demanded

☒ Yes

☐ No

Defendant(s).

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name:

Street Address:

City, State & Zip Code:

Telephone No.:

~~Deputy Mehmedo~~ Daniel Applegate
11540 NE INVERNESS Drive
Portland, Oregon 97204

Complaint for Violation of Civil Rights (Prisoner Complaint)
[Rev. 01/2018]

Defendant No. 1

Name:

Mehmedo

Street Address:

11540 NE Inverness Drive (MCDC)

City, State & Zip Code:

Portland, Oregon 97233

Telephone No.:

Defendant No. 2

Name:

Taylor

Street Address:

11540 NE Inverness Drive (MCDC)

City, State & Zip Code:

Portland, Oregon 97233

Telephone No.:

Defendant No. 3

Name:

Angelina Palotas, M.D.

Street Address:

11540 NE Inverness Drive

City, State & Zip Code:

Portland, Oregon 97233

Telephone No.:

Defendant No. 4

Name:

Street Address:

City, State & Zip Code:

Telephone No.:

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

U.S. Constitution 8th Amendment "Cruel & Unusual Punishment"

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

I was getting my morning medication when Deputy Mahmado slammed the cuff port on my right hand by kicking it repeatedly, approximately 100 times, causing my right hand to get stuck in the key slot, so that I was unable to remove my hand. Due to Mahmados unprovoked, and violent action towards me my right hand was swollen badly and my right index finger was broken as well as my ring finger, also middle finger no longer functions properly. This violent and unjustified use of excessive force has caused me permanent damage, pain, injury, suffering and emotional distress.

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Angelino Platas, MD, at MCDC, knowing of the severe and significant damage to my right hand knowingly

and intentionally waited over 24 hours to have my hand properly examined and x-rayed, to a standard of decency and medical requirement. Upon getting an x-ray the next day after the injury, and knowing of my broken hand and significant damage, Miss Plata's intentionally failed to remedy said injury, (No cast or splint, to prevent further injury). Days later she sent me her unprofessional, and medically inadequate version of my injury. While acknowledging ~~symptoms~~ permanent degenerative changes and trauma as well as bone abnormality, **Claim III** she failed to treat injury and claimed significant injuries were old "Medical Malpractice".

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

(Sgt. Taylor, whom I told of Mehmedas violent actions towards me, took a picture of my broken and bruised right hand, but failed to show it or inform medical at MCDC, (including Angelina Plata, MD, who due to her "medical profession" should have seen me sooner than over 24 hours later.) Sgt. Taylor knowingly and intentionally failed to do his duty and to remove Mehmedo from working in 4-B, instead mocking my injury with Mehmedo, showing him the photo, and saying "that was a good one".

(If you have additional claims, describe them on another piece of paper, using the same outline.)

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

V. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

Because of the significant and permanent damage to my right hand, it is more than justified i be properly compensated \$50,000.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19th day of July, 2022.

D. Applegate
(Signature of Plaintiff)